

Exhibit B

Rachel Slepai

From: Anne Arcoleo
Sent: Friday, January 20, 2023 1:51 PM
To: Rob Lindholm; Soren Young; Matthew Lindenbaum
Cc: 'TetherLawyers@schneiderwallace.com'; Xinchun Li; Rachel Slepai
Subject: RE: In re Tether and Bitfinex Crypto Asset Litigation, 1:19-cv-09236-KPF (S.D.N.Y.): Plaintiffs' Third Requests for Production to Poloniex LLC

Counsel,

Your disclosures during the January 19, 2023 meet and confer have raised concerns regarding the adequacy of your document collection. You told us for the first time that to date you had only searched email and slack communications. You also told us for the first time that you were unable to confirm whether Poloniex employees, including our document custodians, used Signal to communicate, and had to-date, have never checked. That is unacceptable. As you are aware, Plaintiffs' First Requests for the Production of Documents served on December 22, 2021, and all subsequent requests propounded by Plaintiffs, have included in the definition of "Document," among other categories, "SMS messages; Whatsapp messages; Signal messages; Twitter DMs; Facebook messages; Telegram messages; any other form of messages or communications." Poloniex did not object to searching these sources, and never disclosed that it would not do so, as the Federal Rules of Civil Procedure required it to.

Failure to search these sources is inexcusable. Contrary to Poloniex's assertions during the meet and confer, it is not Plaintiffs' burden to know which methods of communication Poloniex used or provide "evidence" of the use of specific platforms before Poloniex searches those locations. Rather, Poloniex has an affirmative duty to investigate the sources of documents and communications responsive to Plaintiffs' RFPs.

In any event, discovery produced to-date in this matter from Poloniex has confirmed that Poloniex employees used messaging platforms other than e-mail and Slack. [REDACTED]

[REDACTED] Poloniex must investigate whether its employees used text messages, Signal, Telegram, and any other means of communication, and if so, must collect documents from those sources.

Further, please confirm whether Circle retained any former Poloniex exchange employees prior to, or at the time of, the sale.

If Poloniex is refusing to conduct such an investigation, please inform us by no later than **Monday, January 23**.

As for Plaintiffs' RFPs, the parties have reached the following positions.

As to RFP No. 74:

- Poloniex will confirm whether it has possession, custody, or control over any Signal chats.
- In any event, Poloniex has refused to produce any documents in response to this request and refuses to negotiate further. Plaintiffs and Poloniex are at an impasse regarding the relevance of this request.

As to RFP No. 75:

- Poloniex has refused to produce any documents in response to this request and refuses to negotiate further. Plaintiffs and Poloniex are at an impasse regarding the relevance of this request.

As to RFP No. 76:

- Poloniex will confirm the methods it used to search for documents responsive to this request and inform Plaintiffs.
- Poloniex represents there are no documents responsive to this request.

Regards,
Anne

Anne Arcoleo

Associate [\[Email\]](#)

Selendy Gay Elsberg PLLC [\[Web\]](#)

Pronouns: she, her, hers

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From: Anne Arcoleo

Sent: Tuesday, January 17, 2023 3:12 PM

To: Rob Lindholm <robert.lindholm@nelsonmullins.com>; Soren Young <soren.young@nelsonmullins.com>; Matthew Lindenbaum <matthew.lindenbaum@nelsonmullins.com>

Cc: 'TetherLawyers@schneiderwallace.com' <TetherLawyers@schneiderwallace.com>; Xinchun Li <xli@selendygay.com>; Rachel Slepoy <rslepoy@selendygay.com>

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Thanks Rob, that works for us. We'll circulate an invite shortly.

Anne Arcoleo

Associate [\[Email\]](#)

Selendy Gay Elsberg PLLC [\[Web\]](#)

Pronouns: she, her, hers

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From: Rob Lindholm <robert.lindholm@nelsonmullins.com>

Sent: Tuesday, January 17, 2023 10:26 AM

To: Anne Arcoleo <aarcoleo@selendygay.com>; Soren Young <soren.young@nelsonmullins.com>; Matthew Lindenbaum <matthew.lindenbaum@nelsonmullins.com>

Cc: 'TetherLawyers@schneiderwallace.com' <TetherLawyers@schneiderwallace.com>; Xinchun Li <xli@selendygay.com>; Rachel Slepoy <rslepoy@selendygay.com>

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Anne,

Are you and your team available at 4:30 PM ET Thursday?

Best,
Rob



ROBERT L. LINDHOLM **PARTNER**
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From: Anne Arcoleo <aarcoleo@selendygay.com>

Sent: Tuesday, January 17, 2023 10:17 AM

To: Soren Young <soren.young@nelsonmullins.com>; Rob Lindholm <robert.lindholm@nelsonmullins.com>; Matthew Lindenbaum <matthew.lindenbaum@nelsonmullins.com>

Cc: 'TetherLawyers@schneiderwallace.com' <TetherLawyers@schneiderwallace.com>; Xinchun Li <xli@selendygay.com>; Rachel Slepoy <rslepoy@selendygay.com>

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Counsel,

Please let us know when you are available to meet and confer this week regarding Poloniex's Responses and Objections to Plaintiffs' Third RFPs.

Best,
Anne

Anne Arcoleo

Associate [\[Email\]](#)

Selendy Gay Elsberg PLLC [\[Web\]](#)

Pronouns: she, her, hers

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From: Soren Young <soren.young@nelsonmullins.com>

Sent: Thursday, January 12, 2023 4:48 PM

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Counsel:

Attached please find Poloniex LLC's Responses and Objections to Plaintiffs' Third Requests for Production.

Best,
Soren



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